

The Honorable J. Richard Creature

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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**Sep 29, 2021**  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
BY \_\_\_\_\_ DEPUTY

UNITED STATES OF AMERICA,

**Plaintiff**

V.

JOHNATHAN BRIAN JOHNSON,

**Defendant.**

| NO. MJ21-5204

## **COMPLAINT for VIOLATION**

Title 18, United States Code,  
Section 922(g)(1)

Title 21, United States Code, Section  
841(a)(1)

BEFORE the Honorable J. Richard Creatura, United States Magistrate Judge,  
United States Courthouse, Tacoma, Washington.

## COUNT 1

**(Felon in Possession of Firearms)**

On or about June 14, 2021, in Thurston County, within the Western District of Washington, JOHNATHAN BRIAN JOHNSON, knowing that he had been convicted of the following crimes punishable by imprisonment for a term exceeding one year, to wit:

- *Assault Second Degree While Armed with a Firearm*, Thurston County Superior Court, Cause Number 11-1-010795, on or about December 22, 2011;

1     • *Unlawful Possession of a Firearm in the First Degree*, Thurston County Superior  
2         Court cause number 11-1-01079-5, on or about December 22, 2011;  
3 did knowingly possess, in and affecting interstate and foreign commerce, firearms, to wit:  
4         • A Ruger, Model P94, .40 caliber pistol, serial #341-53756;  
5         • An Anderson Manufacturing, Model AM-15, .223 caliber rifle, serial # 20111141;  
6 which had been shipped and transported in interstate and foreign commerce.

7             All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2),  
8 and 2.

9             **COUNT 2**

10             ***(Possession with Intent to Distribute Methamphetamine and Heroin)***

11             On or about June 14, 2021, in Thurston County, within the Western District of  
12 Washington, JOHNATHAN BRIAN JOHNSON did knowingly and intentionally  
13 possess, and did aid and abet the possession of, with intent to distribute,  
14 methamphetamine and heroin, substances controlled under Title 21, United States Code,  
15 Section 812.

16             It is further alleged that this offense involved five hundred (500) grams or more of  
17 a mixture or substance containing a detectable amount of methamphetamine, its salts,  
18 isomers, or salts of its isomers.

19             All in violation of Title 21, United States Code, Sections 841(a)(1) and  
20 841(b)(1)(A) (methamphetamine) & (b)(1)(C) (heroin) and Title 18, United States Code,  
21 Section 2.

22             **COUNT 3**

23             ***(Felon in Possession of Firearms)***

24             On or about September 27, 2021, in Thurston County, within the Western District  
25 of Washington, JOHNATHAN BRIAN JOHNSON, knowing that he had been convicted  
26 of the following crimes punishable by imprisonment for a term exceeding one year, to wit:

27         • *Assault Second Degree While Armed with a Firearm*, Thurston County Superior  
28         Court, Cause Number 11-1-01079-5, on or about December 22, 2011;

1     • *Unlawful Possession of a Firearm in the First Degree*, Thurston County Superior  
2         Court cause number 11-1-01079-5, on or about December 22, 2011;

3 did knowingly possess, in and affecting interstate and foreign commerce, firearms, to wit:

4     • Smith & Wesson, Model CS45 Chief's Special, .45 caliber, pistol with serial  
5         number #VJD5384;  
6     • Ruger, Model LC9S, 9mm pistol with serial #453-51087;  
7     • High Standard, Model Riot 18-7 K1200, 12-gauge shotgun, no serial number  
8 which had been shipped and transported in interstate and foreign commerce.

9             All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2),  
10 and 2.

11                     **COUNT 4**

12                     ***(Possession with Intent to Distribute Methamphetamine and Heroin)***

13             On or about September 27, 2021, in Thurston County, within the Western District  
14 of Washington, JOHNATHAN BRIAN JOHNSON did knowingly and intentionally  
15 possess, and did aid and abet the possession of, with intent to distribute,  
16 methamphetamine and heroin, substances controlled under Title 21, United States Code,  
17 Section 812.

18             It is further alleged that this offense involved one hundred (100) grams or more of  
19 a mixture or substance containing a detectable amount of heroin.

20             All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)  
21 (heroin) and 841(b)(1)(C) (methamphetamine) and Title 18, United States Code, Section  
22 2.

23             Under Federal Criminal Rule of Criminal Procedure 4.1, this complaint is being  
24 presented by reliable electronic means. The undersigned Complainant, being duly sworn,  
25 hereby deposes and says as follows:

26                     **TRAINING AND EXPERIENCE**

27     1. I, Steven Munson, am a Special Agent with Homeland Security

1 Investigations (HSI). I am assigned to the HSI Field Office Tacoma, Washington, South  
2 Sound Investigations. I am responsible for investigating and enforcing violations of  
3 federal law including drug and firearms violations of laws. In June 2018, I was assigned  
4 to work with the Thurston County Narcotics Task Force. I joined the Department of  
5 Homeland Security (previously named Department of Justice, Immigration and  
6 Naturalization Service) in May 2002. I attended a three-month long academy at the  
7 Federal Law Enforcement Training Center in Brunswick, Georgia. In 2006, I was hired  
8 by Homeland Security Investigations as a Special Agent and was assigned to the Seattle,  
9 Washington field office. I attended an additional six-month academy at the Federal Law  
10 Enforcement Training Center in Brunswick, Georgia.

11        2. As an HSI Special Agent, I have been trained to investigate crimes and  
12 enforce federal criminal law. During my career, I have been assigned to work on a variety  
13 of cases including drug trafficking and weapons violations locally, nationally and  
14 internationally. I have instructed at the Federal Law Enforcement Training Center and at  
15 a variety of international law enforcement conferences an array of topics including  
16 investigative techniques, I have worked both nationally and internationally enforcing  
17 United States federal laws.

18       3. I make this affidavit from personal knowledge based on my participation in  
19 this investigation, including witness interviews by myself and/or other law enforcement  
20 agents, communications with others who have personal knowledge of the events and  
21 circumstances described herein, and information gained through my training and  
22 experience. The information outlined below is provided for the limited purpose of  
23 establishing probably cause and does not contain all details or all facts of which I am  
24 aware relating to this investigation.

## **PURPOSE OF AFFIDAVIT**

26       4.     This Affidavit is made in support of a Complaint against JOHNATHAN  
27 BRIAN JOHNSON for the crimes of *Felon in Possession of a Firearms* (two counts) in  
28 violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), and two

1 counts of *Possession of Controlled Substance with Intent to Distribute* in violation of  
 2 Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) (methamphetamine),  
 3 (b)(1)(B)(heroin), and (b)(1)(C) (methamphetamine and heroin) and Title 18, United  
 4 States Code, Section 2.

5 **INVESTIGATION AND PROBABLE CAUSE**

6 5. On December 7, 2011, JOHNATHAN BRIAN JOHNSON was convicted  
 7 of one count of Assault in the Second Degree While Armed With a Firearm, and one  
 8 count of Unlawful Imprisonment-Domestic Violence in Thurston County Superior Court  
 9 Case number 11-1-010795. JOHNSON received a sentence of 120 months' imprisonment  
 10 and 18 months community custody following release from prison.

11 6. On July 23, 2020, the Washington Department of Corrections (DOC) issued  
 12 an arrest warrant for JOHNSON for violating community custody requirements by failing  
 13 to report as directed to his community corrections officer. JOHNSON's listed address  
 14 with DOC was 3928 14<sup>th</sup> Ave SE Apt. #32 in Lacey, Washington (the Cedar Park  
 15 Apartments).

16 7. On June 14, 2021, law enforcement officers went to JOHNSON's  
 17 apartment complex to serve the DOC warrant. After a short period of surveillance, law  
 18 enforcement recognized JOHNSON as he left apartment #32 and entered a grey BMW.  
 19 Law enforcement officers approached and arrested JOHNSON without incident.  
 20 JOHNSON told investigators he was borrowing the silver BMW from a friend to move  
 21 his belongings and there should not be either firearms or drugs inside the BMW.  
 22 JOHNSON said he used to live at that residence but was in the process of moving and  
 23 denied staying there any longer.

24 8. During JOHNSON's arrest, law enforcement officers observed an AR style  
 25 assault rifle lying in plain view on the back seat of the silver BMW. For officer safety,  
 26 law enforcement secured and unloaded the AR Rifle, later identified as an Anderson  
 27 Manufacturing, Model AM-15, .223 caliber rifle, serial #20111141. DOC then conducted  
 28 an authorized search of the vehicle and located a grey Ruger P94 .40 caliber pistol, serial

1 #.341-53756, with a loaded magazine in the rear seat of the vehicle. Investigators also  
 2 located \$2870 in currency, rubber banded together, and LSD blotter papers. Investigators  
 3 subsequently learned the BMW had been reported stolen.

4       9. Based on these observations and previous investigative efforts to verify  
 5 JOHNSON's residence as 3928 14th Ave S.E. Apt 32 Lacey, Washington, DOC  
 6 conducted a cursory search of apartment 32 pursuant to JOHNSON's community custody  
 7 conditions. Entry to the apartment was made by law enforcement officials using the key  
 8 JOHNSON identified on the keyring in JOHNSON's possession during his arrest.

9       10. Investigators found a Ziploc bag of suspected methamphetamine inside a  
 10 camera bag on the living room floor. Law enforcement then ceased the search until they  
 11 obtained a telephonic search warrant from a Thurston County Superior Court Judge.  
 12 Investigators found the following items inside apartment 32:

- 13       • Item 1A – Large plastic bag with White Crystal Substance 468.3 grams  
           (field tested and lab tested positive for methamphetamine)
- 14       • Item 2A – Bag with individual baggies containing brown tar substance  
           82.5 grams (field tested and lab tested positive for heroin)
- 15       • Item 3A – Two Ziploc baggies with white crystal substance 32.2 grams  
           (field tested and lab tested positive for methamphetamine)
- 16       • Item 5A – Two Ziploc baggies with white powdery substance 3.1 grams  
           (not field tested)
- 17       • Item 6A – Baggie of 14 pills (T257) Hydrocodone (not field tested)
- 18       • Item 9A – Baggie of 11 yellow pills (Cyclobenzaprine) (not field tested)
- 19       • Item 10A – Bag of white crystal substance 2.4 grams (not field tested)

21       11. Investigators located indicia of JOHNSON's occupancy from notes and  
 22 records inside the apartment as well as key access. JOHNSON's belongings were found  
 23 inside the apartment's master bedroom and living room. Other items seized included  
 24 ammunition, firearms magazines, multiple digital scales, and packaging materials.

25       12. On two separate occasions in September 2021, JOHNSON sold a credible  
 26 and confidential source (CS) methamphetamine in Thurston County, WA. Before each of  
 27 the two controlled purchases, investigators searched CS' person and vehicle and did not  
 28 locate any controlled substances or contraband. Investigators fitted the CS with covert

1 audio equipment and provided the CS with funds for the purchases. During the first  
 2 controlled purchase, investigators maintained constant surveillance of CS and CS'  
 3 vehicle. During the first controlled purchase, CS entered JOHNSON's vehicle and was  
 4 provided a white baggie containing a white crystalline substance. During the second  
 5 controlled purchase, CS entered JOHNSON's apartment to purchase methamphetamine.  
 6 On each occasion, CS was followed by investigators back to a pre-determined location.  
 7 At the location, CS provided investigators with a small baggie containing suspected  
 8 methamphetamine, each of which field tested positive for methamphetamine. After both  
 9 controlled purchases, investigators searched CS' person and vehicle and located no other  
 10 currency, controlled substances, or contraband. 31 grams of methamphetamine were sold  
 11 to CS on each occasion, for a total of 62 gross grams.

12       13. Following the two controlled purchases, investigators obtained a search  
 warrant in Thurston County Superior Court for JOHNSON's apartment, residence, and  
 14 arrest. On September 27, 2021, investigators located and arrested JOHNSON at his  
 15 apartment (3928 14th Ave S.E. Apt 32 Lacey, Washington.) At the time of his arrest,  
 16 JOHNSON had a Chief's Special, Model CS45, .45 caliber, semiautomatic pistol with a  
 17 loaded magazine (serial number #VJD5384) inside a concealed shoulder holster on his  
 18 person.

19       14. During the execution of the search warrant, the following items were  
 20 located:

- 21           • Ruger, Model LC9S, 9mm pistol with serial #453-51087;
- 22           • High Standard, Model Riot 18-7 K1200, 12-gauge shotgun, no serial  
             number.
- 23           • 92.4 grams of methamphetamine (field tested positive) found in the living  
             room
- 24           • 3.3 grams of cocaine (field tested positive) found in the living room
- 25           • 51.8 grams of suspected Fentanyl pills (not field tested) found in the living  
             room
- 26           • 17.8 grams of methamphetamine (field tested positive) found in the kitchen
- 27           • 203.9 grams of heroin (field tested positive) found in the bedroom near the  
             Ruger pistol
- 28           • Scales, measuring cups, baggies, notes and ledgers.

- 1     •     \$3288.00 Additional US Currency.
- 2     •     Two sets of Body Armor
- 3     •     Multiple Cell Phones

4       15. After being advised of his Miranda warnings, JOHNSON agreed to speak  
 5 with investigators. During the interview, JOHNSON admitted he is aware that may not  
 6 own, use, or possess a firearm lawfully due to his felony convictions in the state of  
 7 Washington. He also admitted he was armed with a loaded pistol in a shoulder holster at  
 8 the time of his arrest, a loaded 12-gauge shotgun behind his door in the apartment and  
 9 body armor. I asked JOHNSON why he had these items and he told me it was for his  
 10 protection because he owes approximately \$132,000 to the Sinaloan Cartel for drugs he  
 11 obtained from them to distribute. I asked JOHNSON if he was armed during his dealings  
 12 with the Cartel members and he said he was.

13      16. I have reviewed a number of conviction documents from courts in  
 14 Washington pertaining to JOHNATHAN BRIAN JOHNSON. He has a number of  
 15 convictions for crimes punishable by over one year, including:

16           a.     *Assault in the Third Degree While Armed with a Firearm*, Thurston  
 17 County Superior Court cause number 11-1-01079-5, on or about July 10, 2010;  
 18           b.     *Unlawful Possession of a Firearm in the First Degree*, Thurston  
 19 County Superior Court cause number 11-1-01079-5, on or about July 10, 2010;  
 20 For each of these convictions, I observed that JOHNATHAN BRIAN JOHNSON was  
 21 sentenced to serve a term of imprisonment of more than 12 months. Further, the  
 22 Thurston County Superior Court Statement of Defendant on Plea of Guilty, Felon in  
 23 Possession of a Firearm in the Second Degree, cause number 11-1-01079-5, reflects that  
 24 on December 22, 2011, JOHNATHAN BRIAN JOHNSON was present and signed the  
 25 document that included a notice that JOHNSON may not own, use or possess any firearm  
 26 unless his right to do so is restored by the Court of Record. I have found no evidence that  
 27 JOHNSON's firearms rights were ever restored.  
 28

1 In fact, JOHNSON stated to me, during a post Miranda interview, he is aware that he  
2 may not own, use or possess a firearm lawfully due to his felony convictions in the state  
3 of Washington.

4       17. ATF Special Agent Kit Radosevich, a firearms and ammunition interstate  
5 nexus expert, has examined the (1) Ruger, Model P94, .40 caliber pistol, serial #341-  
6 53756, (2) Anderson Manufacturing, Model AM-15, .223 caliber rifle, serial # 20111141,  
7 (3) Smith & Wesson, Model CS45 Chief's Special, .45 caliber, pistol with serial number  
8 #VJD5384, (4) Ruger, Model LC9S, 9mm pistol with serial #453-51087, and (5) the  
9 High Standard, Model Riot 18-7 K1200, 12-gauge shotgun, no serial number, and  
10 determined that each was manufactured outside the State of Washington and therefore  
11 has traveled in interstate of foreign commerce prior to being found in Lacey, Washington,  
12 on both June 14, 2021 and September 27, 2021.

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## Conclusion

Based on the foregoing, I submit there is probable cause to believe that JOHNATHAN BRIAN JOHNSON committed the crimes of two counts of Felon possession of a Firearms, in violation of Title 18, United States Code, Section (1), and two counts of Possession of Controlled Substances with Intent to distribute, in violation of Title 21, United States Code, Sections 841(a)(1) and (1)(A) (methamphetamine), (b)(1)(B)(heroin) & (b)(1)(C) (methamphetamine and ) and Title 18, United States Code, Section 2..

Dated this 28<sup>th</sup> day of September 2021.

~~STEVEN J. MUNSON~~, Complainant  
Department of Homeland Security, Special Agent

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds there is probable cause to believe that the defendant committed the offense set forth in the Complaint.

DATED this 29th day of September 2021.

*J. Richard Creatura*  
J. RICHARD CREATURA  
United States Magistrate Judge